

By: Cain

H.B. No. 109

A BILL TO BE ENTITLED

AN ACT

relating to exemptions from certain vaccination requirements.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 21, Labor Code, is amended by adding Subchapter H-1 to read as follows:

SUBCHAPTER H-1. DISCRIMINATION BASED ON EXEMPTION FROM REQUIRED  
COVID-19 VACCINATION

Sec. 21.421. DEFINITION. In this subchapter, "COVID-19" means the 2019 novel coronavirus disease.

Sec. 21.422. EXEMPTION FROM REQUIRED COVID-19 VACCINATION. An employer, labor organization, or employment agency shall allow an individual to claim an exemption from a required COVID-19 vaccination based on a medical condition or reasons of conscience, including a religious belief.

Sec. 21.423. PROHIBITED DISCRIMINATION BASED ON EXEMPTION FROM REQUIRED COVID-19 VACCINATION. (a) An employer commits an unlawful employment practice if the employer fails or refuses to hire, discharges, or otherwise discriminates against an individual with respect to the compensation or the terms, conditions, or privileges of employment because the individual claims an exemption described by Section 21.422.

(b) A labor organization commits an unlawful employment practice if the labor organization excludes or expels from membership or otherwise discriminates against an individual

1 because the individual claims an exemption described by Section  
2 21.422.

3 (c) An employment agency commits an unlawful employment  
4 practice if the employment agency classifies or refers for  
5 employment, fails or refuses to refer for employment, or otherwise  
6 discriminates against an individual because the individual claims  
7 an exemption described by Section 21.422.

8 SECTION 2. Section 224.002(c), Health and Safety Code, is  
9 amended to read as follows:

10 (c) The policy must ~~may~~ include procedures for a covered  
11 individual to be exempt from the required vaccines based on reasons  
12 of conscience, including a religious belief.

13 SECTION 3. The change in law made by this Act applies only  
14 to an unlawful employment practice that occurs on or after the  
15 effective date of this Act.

16 SECTION 4. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect on the 91st day after the last day of the  
21 legislative session.